

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
STATE OF CALIFORNIA

In the Matter of the Petition for )	)	
Termination of Probation of )	)	
	)	
RICHARD J. SCOTTI, M.D. )	)	NO. D-1603
39 Furwood Drive )	)	
E. Northport, N.Y. 11731 )	)	N 18905
	)	
Petitioner. )	)	
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DECISION

This matter came on regularly for hearing before a panel of District 7, Medical Quality Review Committee, consisting of W. Warren Mills, M.D., Chairperson; Robert H. Reid, M.D.; Philipp M. Lippe, M.D.; Sandra Rupp, R.N.; and Philomena D. Laurel; with George R. Coan, Administrative Law Judge, Office of Administrative Hearings, presiding; on June 10, 1982, in Monterey, California.

Joanne Condas, Deputy Attorney General, represented the Board.

Respondent appeared and represented himself.

The following decision is made:

FINDINGS OF FACT

I

Petitioner duly filed his petition for termination of probation dated February 25, 1982. Effective January 30, 1978, petitioner's license was revoked for violation of sections related to gross negligence, incompetence and excessive treatment. On July 12, 1979, his petition for restoration was granted and he was placed on probation for five years upon conditions (among others) that:

1. The restoration of his certificate and commencement of his probation shall not become effective until he begins a residency in an approved OB-GYN residency program approved by the American College of Obstetrics and Gynecology.
2. He complete the residency program within four years.

## II

In July, 1979, petitioner became a resident in obstetrics and gynecology at the State University of New York, School of Medicine, Stony Brook, New York. He is now in his last year as a chief resident. He is eligible to sit for the examination for the American Board of Obstetrics and Gynecology for which he is required to have an unrestricted license.

He has been offered a position as a fellow and clinical instructor at the University of California, Irvine. His present desire is to pursue a career in academic medicine.

## III

Petitioner did not advise the Board that he had begun the residency program and he failed to file quarterly affidavits as required by one of the conditions of his probation. He failed to advise the Board of his current address. Since going to New York, he has not been on supervised probation because of the Board's lack of knowledge of his current address.

## IV

After the death of one of his patients whose treatment was one of the grounds for the revocation of his license in 1978, he sought counseling from a doctor of osteopathy.

## V

Petitioner's probation will expire on July 12, 1984.

## DETERMINATION OF ISSUES

In view of the very serious nature of the facts which led to the revocation of his license and the fact that, since he was placed on probation in 1979, he has not in fact been under any supervision, insufficient time has passed for petitioner to establish that he is now sufficiently

rehabilitated to the extent that his probation can now be terminated pursuant to Business and Professions Code section 2307.

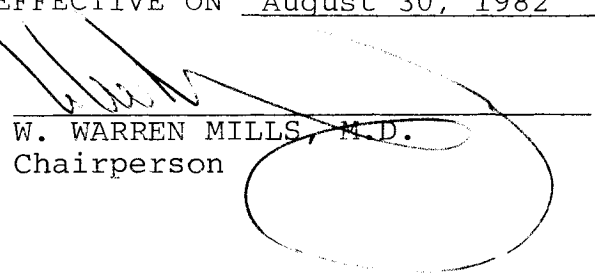
In addition, based upon all of the evidence and petitioner's testimony, the panel is concerned about petitioner's maturity and mental health. In the event petitioner again applies for modification or termination of his probation, a complete psychiatric evaluation would be of assistance in determining such a petition.

ORDER

The petition for termination of probation of Richard J. Scotti, M.D., is denied.

DATED: 18 June

THIS DECISION SHALL BECOME EFFECTIVE ON August 30, 1982.

  
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W. WARREN MILLS, M.D.  
Chairperson

WWM:GRC:lhj